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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

CANNON COCHRAN MANAGEMENT  
SERVICES, INC. aka CCMI, an Illinois  
corporation, CLEAR SPRING PROPERTY  
AND CASUALTY COMPANY, and Illinois  
corporation,

Plaintiffs,

v.

BILL DAVIS TRUCKING, INC., an Arkansas  
corporation; KRISTINA JANSKY, personal  
representative of LARRY WHITED, deceased,  
BRITTANY CHAVERS, personal  
representative of LARRY WHITED, deceased;  
JAMES F. JOHNSON, personal representative  
of CRYSTAL MARIE WHITED, deceased,

Defendants.

No.:

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, Bill Davis Trucking, Inc.  
("Bill Davis") submits this Notice of Removal from the Superior Court of Arizona, in and

1 for the County of Yavapai, Case No. P1300CV202200783, in which the above-captioned  
2 matter is now pending, to the United States District Court for the District of Arizona. In  
3 support of said Notice, Defendant states as follows:

4 **Nature of Action**

5  
6 1. This is a subrogation complaint arising from a personal injury in which  
7 Plaintiffs alleges that Yon Woo Chong (“Chong”) was driving a tractor traveling  
8 westbound on Interstate 40 (“I-40”) near milepost 123.9 when he sideswiped a sedan  
9 driven by a non-party. Chong stopped his vehicle in the westbound lane of travel on I-40  
10 to assist the sedan. While Chong’s vehicle was stopped in the westbound lane of travel  
11 on I-40, a truck owned by Bill Davis struck the rear of Plaintiff’s tractor. Plaintiffs allege  
12 that Chong suffered serious injuries and severe burns.

13 2. Plaintiffs commenced this action on November 7, 2022, by filing a  
14 Complaint in the Superior Court of Arizona, County of Yavapai, bearing Case No.  
15 P1300CV202200783, and captioned as above.

16 3. Pursuant to 28 U.S.C. § 1446(a) copies of all process, pleadings and orders  
17 served upon this defendant is attached hereto as **Exhibit A**.

18 **Timeliness of Removal**

19  
20 4. Bill Davis first received notice of this action by receipt of a copy of the  
21 Summons and Complaint by mail outside the State of Arizona on December 2, 2022. This  
22 was this Defendant’s first notice of the action.

23 5. This Notice of Removal is being filed within thirty (30) days after receipt of  
24 the Complaint by Bill Davis and is therefore timely pursuant to 27 U.S.C. § 1446(b).

25 **Amount in Controversy**

26 6. Plaintiff’s Complaint alleges that “[Chong] sustained severe burns and was  
27 airlifted to the hospital. (See Plaintiff’s Complaint, ¶ 16). Plaintiff further alleges that  
28 “Plaintiff has paid benefits to and on behalf of Mr. Chong pursuant to the terms and

1 conditions of the worker's compensation insurance policy and will do so in the future."  
2 (See Plaintiff's Complaint, p.19).

3 **Diversity of Citizenship**

4 7. Plaintiff's Complaint alleges that Bill Davis is a "company organized under  
5 the laws of the State of Arkansas" (See Plaintiff's Complaint, p. 6). The personal  
6 representatives for Larry Whited and Crystal Marie Whited as not residents of Arizona.  
7 There is no common state citizenship in Arizona regarding Plaintiff and Defendant in this  
8 matter.

9 8. Undersigned counsel avers that all Defendants who have been served  
10 consent to the removal of this action. See *Proctor v. Vishay Intertechnology Inc.*, 584  
11 F.3d 1208, 1225 (9th Cir. 2009) (holding that "[o]ne defendant's timely removal notice  
12 containing an averment of the other defendants' consent and signed by an attorney of  
13 record is sufficient"). Undersigned counsel not aware of any other Defendants in this  
14 matter.  
15

16 **Removal is Proper**

17 9. Insofar as the amount in controversy is alleged to exceed \$75,000.00, full  
18 diversity exists between the parties, and this Notice is timely filed, removal is proper  
19 pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).

20 **Affirmative Statement Regarding Notice of Removal**

21 10. Counsel for Defendants has spoken with counsel for Plaintiffs who does not  
22 oppose removal of the lawsuit.  
23

24 11. Written notice is being given contemporaneously herewith to all parties and  
25 to the Clerk of the Arizona Superior Court, County of Yavapai, that this Notice of  
26 Removal is being filed with this Court.

27 12. A Notice of Filing Notice of Removal including a copy of this Notice of  
28 Removal has been filed with the Clerk of the Arizona Superior Court, County of Yavapai,

1 from which this action is being removed.

2 WHEREFORE, Defendant, Bill Davis, files this Notice of Removal so that the  
3 entire State Court Action under Case No. P1300CV202200783, now pending in the  
4 Arizona Superior Court, County of Yavapai, shall be removed to this Court for all further  
5 proceedings.

6  
7 Dated: December 30, 2022

8  
9 GORDON REES SCULLY  
10 MANSUKHANI, LLP

11  
12 By: /s/ Kira N. Barrett  
13 Kira N. Barrett  
14 Kyle T. Geiger  
15 *Attorney for Defendant Bill Davis*  
16 *Trucking, Inc.*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2022, I electronically transmitted the foregoing **NOTICE OF REMOVAL** to the Clerk's Office using the CM/ECF System for filing and transmittal, and mailed a copy of the foregoing document via First-Class Mail to the following counsel:

Amy Wilkins Hoffman (SBN 022762)  
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*Attorneys for Plaintiffs*

By: /s/ Diane Archie